

VZCZCXR05514
PP RUEHMA RUEHPA
DE RUEHDK #0032/01 0131138
ZNR UUUUU ZZH
P 131138Z JAN 09
FM AMEMBASSY DAKAR
TO RUEHC/SECSTATE WASHDC PRIORITY 1677
INFO RUEHZK/ECOWAS COLLECTIVE PRIORITY

UNCLAS SECTION 01 OF 02 DAKAR 000032

DEPT FOR AF/W, AF/EPS, AF/RSA, DRL/AE

SIPDIS

SENSITIVE

TAGS: PGOV PHUM SOCI SG

SUBJECT: Senegal: Rape on the Rise

¶1. (SBU) Summary: Senegalese women's associations are mobilizing in support of a draft law to criminalize rape. After achieving notable successes in gaining parity on gender issues such as schooling for girls and allowing a woman to pay her family's medical expenses when her husband is unable to do so, women's groups have now turned their attention to improving domestic living conditions. Many demonstrations have taken place around the country as activists work to sensitize people to the problem of domestic violence in all its forms; physical, mental, and verbal. However, according to media and civil society reporting, rape remains commonplace. What's more, rape within a household by a family member is barely reported for fear of reprisal. End summary.

The Increase in Rapes is Causing Fear

¶2. (SBU) In late November 2008 numerous women's groups staged angry demonstrations to protest Senegal's intolerable level of domestic violence. In Senegal, a girl, a boy, or a woman is raped almost every day. According to GRAVE (Research and Action Group against Women and Children's Violence), an NGO working to eradicate domestic violence, some 400 rapes occurred in 2007. From January to November 2008, 195 cases of rape and sexual abuse were documented by APROFES, a women's NGO based in Kaolack, Central Senegal. In discussions with CLVF (The Committee to Combat Domestic Violence) and RADI (African Network for Integrated Development), they noted the high number of rape victims coming for counseling every day. There are newspaper reports of at least one case of rape per day. Quite often the victims are underage girls and male talibes (Koranic students) and in one case the victim was allegedly two-years-old. Very often, rape is followed by pregnancy, psychological trauma, infanticide of an unwanted baby, ostracization from the family, and/or the death of the victim.

¶3. (SBU) Minors are often raped by much older men from inside their family household and usually by a very close family member (uncle, father, first cousin, etc). As a result of societal pressures, it is very hard for a victim to file a lawsuit when the victim and the accused are closely related. Meanwhile, when a talibe is raped by his/her marabout (religious leader/teacher), parents often tend to withdraw their initial complaints (ostensibly after being pressured by other followers of the marabout). As a result, lawyers and judges have a hard time prosecuting the guilty. In addition, women and girls are not victims of just rape: they are also victims of sexual harassment, domestic violence, underage marriages, and female genital mutilation.

The Examples are Endless

¶4. (SBU) The litany of rapes in Senegal is endless and while they are reported in the media, it is fair to say that even then they are probably underreported. Some examples include:

-- In the Guediawaye suburb of Dakar, a fourteen-year-old girl was raped and left pregnant; the guilty man was sentenced to only two years in jail and given a fine of USD 4,000;

-- Also in Guediawaye a mentally unstable man raped and killed an eleven-year-old girl; he was lynched by angry neighbors;

-- In Mbacke, in central Senegal, an eighteen-year-old girl was kidnapped, gassed, and raped by four men; the rapists ran away and, even though the police continue their investigation, they have yet to be found;

-- In Mbour on Senegal's west coast, a fifty-one-year-old marabout raped a two-year old girl; the man is in prison awaiting trial;

-- Over a six-month period, a "marabout" in the Dakar suburb of Rufisque abused his "talibes"; the accused was investigated for sexual abuse and pedophilia, but he was released due to a lack of evidence. This man was identified by "Avenir de l'Enfant", a Senegalese NGO working to shelter "talibes" and street children; the NGO has appealed the case;

-- In Tambacounda, in the eastern part of the country, a mentally ill man raped and abandoned a sixteen-year-old girl in the swamps;

-- In Gueule Tapee, near Dakar, three men raped a thirteen-year-old girl who subsequently became pregnant; during the trial, none of them accepted paternity; however, they were all condemned to 10 years in prison and had to pay CFA 3,000,000 (USD 6,000) in fines.

Government Looking to Criminalize Rape

15. (SBU) "If the parliament were to vote on legislation that

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criminalizes rape in Senegal, I would be the first to vote for it", said Minister of Justice, Madicke Niang before the National Assembly, when responding to the questions from female Deputies about domestic violence and rape. As of today, rape is considered the equivalent of a misdemeanor, and the guilty are jailed for only 3 to 7 years (Article 320 of the Penal Code, Para 5). Most of the time, however, convicted rapists serve no more than a year in prison or the victim or the victim's family withdraws the complaint before the accused is brought to trial. Ministry of Justice statistics estimate that 47 percent of accused rapists go unpunished and are released by the Court without going to trial. As a result, a national committee was created to study the problem of rape and to develop proposals to stop its proliferation. The committee is composed of representatives from the Ministry of Justice, the Ministry of Women and Family, the Ministry of Health, the Ministry of Education, RADHHO, the Association of Women Lawyers and other lawyers, women's associations, and NGOs working on domestic violence.

COMMENT

16. (SBU) Rape is a real problem in Senegal, with an extremely high rate of incidence in Dakar's poor suburbs. Even if some rapists are prosecuted and sentenced to prison, women's NGOs and associations are pushing the National Assembly to upgrade the crime of rape and sexual violence to that of the equivalent of a felony, with an eye to increasing the length of prison terms. Senegal also faces major societal hurdles due to its conservative nature. Due to cultural taboos, rapes are seldom discussed and the ostracization of the victim is the norm. For its part, the government can look for ways to augment the education of the most vulnerable about the dangers of rape, sexual abuse, and domestic violence. End comment.
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